

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

v.

(12) ELVIN ALONSO-MALAVE,
Defendant

Criminal No. 05-228 (ADC)

ORDER

Before the Court is an unopposed Report and Recommendation issued by Chief Magistrate-Judge Justo Arenas on May 22, 2006 (**Docket No. 330.**) In said Report and Recommendation the Chief Magistrate-Judge recommends that: defendant **Elvin Alonso-Malavé** be adjudged guilty of the offenses charged in Count I (21 U.S.C. § 846) inasmuch as, his plea of guilty was intelligently, knowingly and voluntarily entered.

Neither party has filed objections to the Chief Magistrate-Judge's Report and Recommendation within the time frame provided by the Federal Rules of Criminal Procedure and this Court's Local Rules. See Fed. R. Crim. P. 11; 28 U.S.C. § 636(b)(1)(B); D.P.R. Local Crim. R. 147(b).

After reviewing the record, the Court agrees with the arguments, factual and legal conclusions within the Report and Recommendation. Therefore, the Court hereby **APPROVES** and **ADOPTS** the Chief Magistrate-Judge's Report and Recommendation in its entirety.

Accordingly, a judgment of conviction is to be entered as to Count I of the indictment in the above-captioned case.

This case was referred to the U.S. Probation Office for preparation of a Presentence Investigation Report on May 18, 2006. **The sentencing hearing is set for August 11, 2006 at 3:00 p.m.**

SO ORDERED.

At San Juan, Puerto Rico, this 26th day of June, 2006.

S/AIDA M. DELGADO-COLON
United States District Judge